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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,135	02/27/2002	I-Yang Lee	LEEI3004/EM	3378
23364	7590	09/09/2004	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			FOX, BRYAN J	
			ART UNIT	PAPER NUMBER
			2686	2

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,135

Applicant(s)

LEE, I-YANG

Examiner

Bryan J Fox

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: one extra period appears at the end of line 20 on the first page of the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Ung et al (US 20010031641A1).

Regarding claim 5, Ung et al discloses a technique and apparatus to provide status tracking of presence and/or location of a mobile, wireless device (see paragraph 44) with a mobile activity status tracker which tracks and reports status and activity of mobile wireless devices in a wireless network using mobile registration message, inactivity message forwarding, and/or mobile automatic notification of subscriber status (see paragraph 47) and provides this data to a requesting entity as desired (see paragraph 50), which reads on the claimed "mobile phone service control center comprising: a communication system for receiving and sending signals; a computer

system linked to the communication system". The mobile activity status tracker (MAST) uses a database to store this information (see paragraph 59), which reads on the claimed "status database for recording the status condition of every mobile phone and inputted contact data". Initially, the MAST receives a mobile registration message via a registration notification forwarding mechanism and appropriately updates the activity status in the database. Upon power down of the relevant wireless device, the MAST will receive a mobile deregistration message and appropriately update the activity status in the database (see paragraph 101), which reads on the claimed "the status condition of each mobile phone including at least an on status, an off status and inputted contact data" and "status monitoring program module for monitoring the status condition of every mobile phone and accordingly updating the status database when the status condition of a mobile phone changes". When the handset mobile A, provisioned with the chat service, is powered on, a registration access message is sent from the mobile A to the MSC and eventually to a chat server indicating that mobile A is on-line (see paragraphs 129-134). The chat server determines that Mobile A belongs to a particular chat group, registers mobile A in the chat session and the chat server notifies the other chat participants that mobile A is available (see paragraphs 134-136). At the same time, the chat server may also notify mobile A of all current participants of the chat session (see paragraph 136). Similarly, when mobile A is powered off, the chat server removes Mobile A from the chat session and notifies the chat session participants that mobile A has become unavailable (see paragraphs 142-148), which reads on the

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claimed "status notification program module for informing at least one associated mobile phone when the status condition of a predetermined mobile phone changes".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ung et al in view of Wu et al (US 20040152477A1).

Regarding claim 1, Ung et al discloses a technique and apparatus to provide status tracking of presence and/or location of a mobile, wireless device (see paragraph 44), which reads on the claimed "method of informing of a status condition of a predetermined mobile phone", with a mobile activity status tracker which tracks and reports status and activity of mobile wireless devices in a wireless network using mobile registration message, inactivity message forwarding, and/or mobile automatic notification of subscriber status (see paragraph 47) and provides this data to a

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requesting entity as desired (see paragraph 50), which reads on the claimed "control center informing at least one associated mobile phone setting the predetermined mobile phone as a contact". The mobile activity status tracker (MAST) uses a database to store this information (see paragraph 59), which reads on the claimed "the control center comprising a status database for recording the status condition of every mobile phone and inputted contact data". Initially, the MAST receives a mobile registration message via a registration notification forwarding mechanism and appropriately updates the activity status in the database. Upon power down of the relevant wireless device, the MAST will receive a mobile deregistration message and appropriately update the activity status in the database (see paragraph 101), which reads on the claimed "the status condition of each mobile phone including at least an on status, an off status".

When the handset mobile A, provisioned with the chat service, is powered on, a registration access message is sent from the mobile A to the MSC and eventually to a chat server indicating that mobile A is on-line (see paragraphs 129-134. The chat server determines that Mobile A belongs to a particular chat group, registers mobile A in the chat session and the chat server notifies the other chat participants that mobile A is available (see paragraphs 134-136), which reads on the claimed "the control center updating the status condition of the predetermined mobile phone in the status database to the on status, and informing the associated mobile phone". At the same time, the chat server may also notify mobile A of all current participants of the chat session (see paragraph 136), which reads on the claimed invention where the control center sends at least a portion of the status condition of the associated mobile phone. When mobile A

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is powered off, the chat server removes Mobile A from the chat session and notifies the chat session participants that mobile A has become unavailable (see paragraphs 142-148), which reads on the claimed "when the mobile phone is switched from the on status to the off status: the control center updating the status condition of the predetermined mobile phone in the status database to the off status, and informing the associated mobile phone". Ung et al fails to expressly disclose that the inputted information includes a contact title and a contact mobile phone number.

In a similar field of endeavor, Wu et al discloses an instant messaging system and method where when a mobile client sends a message to the PC client, the message typically includes the mobile phone number associated with the mobile client, which reads on the claimed "contact mobile phone number", and the instant messenger ID of the destination client (see paragraph 48), which reads on the claimed "contact title".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Ung et al with Wu et al to include the above mobile phone number and instant messenger ID in order to identify a recipient and a sender as suggested by Wu et al (see paragraph 48).

Regarding claim 3, the combination of Ung et al and Wu et al discloses that the chat server notifies the other chat participants that mobile A is available by sending a broadcast text message to all current participants of that chat session (see Ung et al paragraph 136). Also, when a handset powers down, the chat server removes the handset from the chat session (see Ung et al paragraphs 142-148). Thus when a

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mobile phone is powered off, it will not be notified of another phone's status, which reads on the claimed "in the steps (B) and (C), the control center does not inform the associated mobile phone when the associated mobile phone has the off status".

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ung et al in view of Wu et al as applied to claim 1 above, and further in view of Bethards et al (US 20030125062A1).

Regarding claim 2, the combination of Ung et al and Wu et al discloses a system where when the status of mobile A changes, a message is sent from the mobile A to the MSC and eventually to a chat server indicating that mobile A is on-line (see Ung et al paragraphs 129-134). The chat server determines that Mobile A belongs to a particular chat group, registers mobile A in the chat session and the chat server notifies the other chat participants that mobile A is available (see Ung et al paragraphs 134-136). The combination of Ung et al and Wu et al fails to teach the indication of a busy status.

In a similar field of endeavor, Bethards et al discloses a method and apparatus for providing status information associated with a plurality of users of real-time communication service such as instant messaging and group chat (see paragraph 13). The mobile station transmits status information associated with one of the plurality of logon identifiers to a second subscriber with a contact list including the particular logon identifier, and the status information may include on-line, off-line, busy, away, on-the-phone, etc. (see paragraph 18).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Ung et al and Wu et al to include the above busy status indication in order to provide more detailed status information such that users may interact with each other in a manner consistent with the status information.

Regarding claim 4, the combination of Ung et al, Wu et al and Bethards et al discloses that the chat server notifies the other chat participants that mobile A is available by sending a broadcast text message to all current participants of that chat session (see Ung et al paragraph 136). Also, when a handset powers down, the chat server removes the handset from the chat session (see Ung et al paragraphs 142-148). Thus when a mobile phone is powered off, it will not be notified of another phone's status, which reads on the claimed "in the step (D), the control center does not inform the associated mobile phone when the associated mobile phone has the off status".

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ung et al in view of Bethards et al.

Regarding claim 6, Ung et al discloses a system where when the status of mobile A changes, a message is sent from the mobile A to the MSC and eventually to a chat server indicating that mobile A is on-line (see paragraphs 129-134). The chat server determines that Mobile A belongs to a particular chat group, registers mobile A in the chat session and the chat server notifies the other chat participants that mobile A is available (see paragraphs 134-136). Ung et al fails to teach the indication of a busy status.

In a similar field of endeavor, Bethards et al discloses a method and apparatus for providing status information associated with a plurality of users of real-time communication service such as instant messaging and group chat (see paragraph 13). The mobile station transmits status information associated with one of the plurality of logon identifiers to a second subscriber with a contact list including the particular logon identifier, and the status information may include on-line, off-line, busy, away, on-the-phone, etc. (see paragraph 18).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Ung et al and Wu et al to include the above busy status indication in order to provide more detailed status information such that users may interact with each other in a manner consistent with the status information.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goss et al (US 20020137498A1) discloses a method for automatic call forwarding when a mobile unit goes out of service.

Lipton (US006728754B1) discloses a method, system and article for telephone notification of an online status of a user.

Dorenbosch et al (US 20020173308A1) discloses instant message proxy for circuit switched mobile environment.

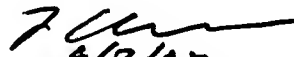
Greene (US 20020077080A1) discloses instant message user location tracking system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J Fox whose telephone number is (703) 305-8994. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJF


3/2/07
LESTER G. KINCAID
PRIMARY EXAMINER